

Written Testimony of Jose Bravo, Executive Director, Just Transition Alliance
On Behalf of Communities for a Better Environment

Before the Subcommittee on Environment and Hazardous Materials
United States House of Representatives

October 4, 2007

Mr. Chairman and Members of the Subcommittee:

On behalf of Communities for a Better Environment (CBE) and the Just Transition Alliance (JTA) I would like to thank you for inviting me to speak on the important issues of public right-to-know and environmental justice.

The bulk of my testimony is based on the courageous work of CBE, where I serve as a board member. But my comments here today are also endorsed by the Just Transition Alliance for which I am executive director. Communities for a Better Environment is a California community-based environmental organization working for Environmental Justice in highly-industrialized areas of California especially in communities of color and low income communities that have been shown to bear a higher burden of concentration of toxic sources.

- **With the weakening of the Toxic Release Inventory, California loses more zip codes reporting to the TRI than any other state in the nation.** The weakening of the TRI by setting higher reporting thresholds causes California to lose data from all reporting facilities for 64 out of 502 zip codes, and the other California zip codes also lose important data. This is tragic, because TRI has been so useful in identifying and prioritizing pollution sources, because reporting is so easy to do, and because the act of reporting itself makes companies much more aware of their toxics use. Consequently the weakening of the TRI must be rolled back.
- **CBE has used the Toxics Release Inventory (TRI) since its inception, as a fundamental Community Right-to-Know tool.** For example, one of the earliest analyses documenting environmental racism was the 1989 CBE *“Richmond at Risk”* report. This analysis of TRI, superfund, and demographic data demonstrated that much higher concentrations of toxics sources and emissions are sited in areas with the highest populations of people of color. Reports like these were crucial to community-based campaigns that led to the development of new Environmental Justice policies by public agencies, and to phaseout of unnecessary chemical use.
- **CBE and many other community-based groups have continued to use the TRI in concert with demographic data to map cumulative exposure from large numbers of smaller toxic sources, which individually may have posed lower health risks, but because of geographic concentration presented formidable risks.** CBE continued to use the data to document increased risks in our 1998 *“Holding Our Breath”* report, in our 2004 *“Building a Regional Voice for Environmental Justice”* report, and in hundreds of individual research efforts throughout the years. Frequently community members have used the TRI data themselves to push for local improvements.

- **Our 2004 report¹ found in Southern California that African-Americans are a third more likely and Latinos nearly twice as likely to live in a census tract containing a facility emitting high-priority TRI pollutants.** The racial differences in exposure persisted even when data was controlled for income, land use, and manufacturing presence. The racial chasm is also larger when emissions are carcinogenic – the more dangerous the facility, the higher the likelihood that minorities are concentrated nearby. Mobile sources of pollution just made this problem worse.
- **The continued undisputed concentration of large numbers of industrial polluters in communities of color with the highest incidences of health problems** (including asthma) is a major reason why the TRI reporting thresholds need to be restored to the lower thresholds for reporting.
- **Putting the TRI reporting thresholds back down to 500 lbs instead of the new relaxed 2,000 lb. threshold is crucial.** Not only do concentrations of large numbers of smaller emitters cause toxic hotspots, but individual companies' emissions can fluctuate or grow. Failure to report at the lower significance level can cause companies to miss reporting when their emissions increase because they are not accustomed to reporting. This can lead to many years of delay in identification of problem emissions. In one case of a steel company located in a residential neighborhood in the Bay Area, the company's toxic emissions were causing frequent odor problems and emissions were above 500 lbs., but lower than 2,000 lbs, but growing. If the TRI threshold had been weakened at the time, the trend in documented emissions increases would not have been identified. Neighbors pushed for cleanup, resulting in the company agreeing to install a carbon control system at the plant.
- **CBE reports based on TRI data led directly to phase out of toxic chemicals at many industrial facilities, which operated even better without these chemicals.** For example, after public campaigns based on TRI data, many companies using toxic solvents as degreasing agents found that they could eliminate the production steps introducing grease in certain metals processing, so that degreasing with toxic solvents became completely unnecessary. Other companies found that toxic cleaning solvents could be replaced with soap and water! Of course this did not cause the phaseout of all toxic chemicals, but it resulted in phaseout of many of the most unnecessary uses of toxics for many chemicals. It also pushed many companies to voluntarily minimize usage until alternatives could be phased in.

¹ Building a Regional Voice for Environmental Justice, as part of a collaborative effort between CBE and experts at Brown University School of Medicine, Occidental College, and UC Santa Cruz

- **Some of the worst carcinogens such as methylene chloride and perchloroethylene previously widely used in California manufacturing are now more rarely used, thanks to community campaigns using TRI data.**
There has been a widespread phaseout by scores of California manufacturers of to community publications of TRI data on individual companies and on regional concentrations of facilities. Good and comprehensive TRI reporting was not only responsible for public health improvements in the past, it will also provide crucial safeguards for future overuse of other toxic chemicals and toxic hotspot concentrations which still are unfortunately widespread.
- **In the past, CBE identified many companies that failed to report to the TRI, skewing the data.** To do this, CBE had to find data through painstaking research of individual local permit information (which is very inaccessible to the public, frequently taking months to receive). CBE succeeded in getting the non-reporting companies to submit their data to the publicly accessible TRI. Even more importantly, CBE won many dozens of EPA-approved settlements with these companies in which we convinced the companies to completely phase out use of the toxic chemicals in lieu of paying penalties for past failure to report. We helped the companies identify pollution prevention options and consultants, who often found that companies would MAKE money from chemical phaseout. As a result, millions of pounds of toxic, cancer-causing, and ozone-depleting chemicals were completely phased out by dozens of California companies.
- **While community organizations like CBE have used the TRI data successfully for decades, we still have a long way to go and cannot afford to lose the full use of this important tool.** Data shows persistent disparity in statewide patterns of toxic use, with continued higher exposure for African Americans and Latinos as compared to Anglos.
- **We urge you to reinstate the strong TRI reporting requirements at the lowest thresholds.**